

1 UNITED STATES DISTRICT COURT
2
3 WESTERN DISTRICT OF WASHINGTON AT SEATTLE

4 UNITED STATES OF AMERICA,) CR18-00040-RSL
5 Plaintiff,) SEATTLE, WASHINGTON
6 v.) June 28, 2018
7 RAPHAEL A. SANCHEZ,) Sentencing Hearing
8 Defendant.)
9

10 VERBATIM REPORT OF PROCEEDINGS
11 BEFORE THE HONORABLE ROBERT S. LASNIK
12 UNITED STATES DISTRICT JUDGE

13 APPEARANCES:

14 For the Plaintiff: Jessica C. Harvey
15 U.S. Department of Justice,
16 Criminal Division
17 Public Integrity Section
18 1400 New York Avenue NW
19 Washington, D.C. 20005

20 For the Defendant: Cassandra L. Stamm
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25 Proceedings stenographically reported and transcript produced with computer-aided technology

1 THE COURT: Good morning. Thank you. Please be seated.

2 THE CLERK: Case CR18-40-L, United States v. Raphael
3 Sanchez.

4 Counsel, would you please make your appearances?

5 MS. HARVEY: Good morning, Your Honor. Jessica Harvey
6 on behalf of the United States. With me at counsel table is
7 Special Agent Conan Smith of ICE OPR.

8 THE COURT: All right. Thanks very much, Ms. Harvey and
9 Agent Smith.

10 MS. STAMM: Good morning, Your Honor. Casey Stamm on
11 behalf of Raphael Sanchez who, for the record, is here to my
12 right.

13 THE COURT: Hello, Mr. Sanchez and Ms. Stamm.

14 And we have Senior U.S. Probation Officer Rick Cowan, who is
15 retiring in how many months?

16 PROBATION OFFICER: Five or six.

17 THE COURT: Okay. You will be sorely missed, Mr. Cowan.

18 All right. We are here for sentencing on Mr. Sanchez's pleas
19 of guilty to one count of wire fraud and one count of aggravated
20 identity theft.

21 I have reviewed, in preparation for the sentencing today,
22 Mr. Cowan's excellent U.S. Probation presentence report, I have
23 the government's sentencing memorandum on behalf of the United
24 States, which was from Ms. Harvey, and I have Ms. Stamm's
25 sentencing memorandum on behalf of Mr. Sanchez, which included a

1 number of attachments: some very, very strong letters of support
2 from people who he worked with and knew him well, a psychological
3 report by Dr. Laura Brown, and then another Appendix C with some
4 letters, and I have a letter accepting responsibility from
5 Mr. Sanchez.

6 So, Ms. Stamm, do I have everything you wanted me to have in
7 preparation for the sentencing?

8 MS. STAMM: I believe so, Your Honor.

9 THE COURT: Have you had an opportunity to go over the
10 government reports with Mr. Sanchez and make any additions or
11 corrections?

12 MS. STAMM: I have.

13 THE COURT: Mr. Sanchez, are you ready to proceed to
14 sentencing this morning?

15 THE DEFENDANT: Yes, I am.

16 THE COURT: All right. We will start with Ms. Harvey.

17 MS. HARVEY: Your Honor, the United States respectfully
18 requests that the Court adopt the parties' agreed recommendation
19 of a sentence of 48 months incarceration as reflected in our
20 sentencing memorandum.

21 THE COURT: Ms. Harvey, could I ask you, please, to go
22 to the podium and address the Court?

23 MS. HARVEY: Yes.

24 THE COURT: Thank you.

25 MS. HARVEY: My apologies.

1 THE COURT: That's all right.

2 MS. HARVEY: Continuing, Your Honor, Mr. Sanchez
3 committed a profane and a profound violation of the trust of the
4 American public. As the Court is aware, Mr. Sanchez recorded the
5 names, dates of birth, Social Security numbers of individuals who
6 were in immigration proceedings before ICE, and these were
7 vulnerable individuals who would most likely leave the country
8 and were generally in no position to ever discover Mr. Sanchez's
9 scheme, much less to be empowered to ever report it. Mr. Sanchez
10 exploited these individuals' data by abusing the access to
11 information that he had as an attorney and as a leader in his
12 office. And his scheme was, of course, largely successful.
13 Mr. Sanchez ultimately defrauded financial institutions of
14 upwards of \$190,000.

15 And, of course, Mr. Sanchez's scheme yielded also substantial
16 intangible losses as well. As the Court knows, as an adult,
17 Mr. Sanchez enjoyed privileges that the majority of criminal
18 defendants will never have: educational privileges, professional
19 privileges, financial privileges. He had a law degree, he was a
20 GS-15-level government employee, he was bringing home a
21 significant salary.

22 And more than that, Your Honor, Mr. Sanchez was entrusted
23 with the responsibility to represent the United States. That is
24 a weighty responsibility, and it is a position of honor that
25 demands the highest level of ethics. Mr. Sanchez in this scheme

1 abandoned those ethics to line his pockets, and in doing that, he
2 violated not just the dignity of those victim aliens who were
3 exploited, but the faith and the trust that the American people
4 place in their government officials. That violation warrants a
5 significant sentence of incarceration.

6 And so balancing these breaches of trust with Mr. Sanchez's
7 willingness to accept responsibility for his crimes, the United
8 States submits that a sentence of 48 months of incarceration
9 reflects the seriousness of the crimes and is sufficient to deter
10 future criminal conduct.

11 Thank you, Your Honor.

12 THE COURT: Thanks very much.

13 Does Agent Smith want to address the Court at all?

14 AGENT SMITH: No, Your Honor.

15 THE COURT: Okay. Thank you very much. I appreciate
16 your presence here today.

17 Ms. Stamm.

18 MS. STAMM: Thank you, Your Honor.

19 Your Honor, the defense agrees in many respects with the
20 government's description of Raphael Sanchez's conduct. For that
21 conduct, he comes before the Court today very much remorseful and
22 regretful and prepared to accept responsibility. We would ask,
23 however, that the Court consider the nature of the offense here.

24 At the age of roughly 40, at the top of his game essentially
25 career-wise, Raphael Sanchez made choices that sabotaged

1 everything good in his life and annihilated all that he had
2 worked for for so long. He did that for money that he
3 essentially didn't really need. The government is correct, he
4 was making a substantial salary. He did it for silly goods that
5 he didn't really need and many of which he never really used.
6 They were in his garage when the government executed their search
7 warrant.

8 The government says that Raphael Sanchez did this because he
9 was cunning and devious and had a certain appetite for avarice,
10 but when you really look at the evidence in this case and what
11 Mr. Sanchez did, what you see is someone who committed a crime
12 almost entirely in a way that was destined to get him caught: on
13 his work computer, with his work e-mail address, on his taxes.
14 In many ways the discovery in this case makes it appear as if
15 Mr. Sanchez either wanted to get caught or had almost no concern
16 whatsoever for what would happen when he did get caught, and, of
17 course, we know now what the effects of that are.

18 The why in this case is not avarice or cunning; the why in
19 this case is what's explained so eloquently by Dr. Laura Brown.
20 It is Mr. Sanchez's horrible history of childhood trauma and the
21 results of that and the untreated results of that. It's not an
22 easy thing for someone in Mr. Sanchez's position to own up in the
23 way that he has and to, in this very real and difficult way, seek
24 out the reasons for it. In some ways I think it would be easier
25 for Mr. Sanchez to say, "Well, you know, I got in a tough spot, I

1 needed some money, and I saw an opportunity, so I took it."
2 Instead, he's seeking out these very, very real, very difficult
3 life lessons about his upbringing and about the effects of it.
4 He's no longer walking around pretending that that history
5 doesn't exist or it doesn't affect him, and he's no longer
6 ignoring all of the failures in his life that that history has
7 led him to. I think that speaks very, very highly of his history
8 and characteristics in a way that is meaningful today when this
9 Court is considering sentencing.

10 In addition, Your Honor, Mr. Sanchez has taken responsibility
11 in this case in really quite an extraordinary and noteworthy way.
12 He pled guilty at arraignment. He entered into a very detailed
13 factual statement that is not in any way vague or minimized or
14 incomplete. He agreed in that plea agreement to a four-year term
15 of imprisonment. And he did something when he entered his plea
16 that not a single one of my other clients has done in 20 years of
17 doing this work: He voluntarily surrendered to begin serving the
18 agreed sentence on the day of his plea. Lots and lots of people
19 come before this Court and say they are accepting responsibility
20 and they want to accept responsibility; most of the people who
21 come to the Court at sentencing who are out of custody also say
22 that they would like a voluntary report date because there are
23 all sorts of reasons to wait to begin that process and sometimes
24 excuses not to begin that process. Mr. Sanchez has taken the
25 opposite approach. And when he did that, I found it, you know,

1 number one, very, very impressive that he made that choice, but
2 surprising that when I went to go visit him the first time, he
3 said still, "Yes, I'm glad I made that choice," and he never
4 wavered on it for a moment.

5 THE COURT: Do you think that's merely a way of
6 accepting responsibility, or is it part of his pattern of saying,
7 "I don't deserve anything more than being locked up in a
8 74-square-foot cell"?

9 MS. STAMM: I think it's some of both, and I think
10 Dr. Brown says that. But I think that what I see in Mr. Sanchez,
11 in the six months now roughly that he's been in custody, is a
12 real desire to move forward and to put this behind him. And this
13 is step number one. He's agreed to a 48-month sentence. He
14 knows essentially that he will be spending at least that much
15 time in custody, so why not get on with it.

16 He's getting on with other things as well. He's doing work.
17 He's reading every book he can get his hands on that was
18 recommended by Dr. Brown and others that will help him in the
19 environment that he's in and moving forward when he gets out.
20 Mr. Sanchez, when he committed this offense, his whole life was
21 his job and his dog, and he has lost both of them as a result of
22 this offense.

23 In this context, especially, we agree with the government
24 that four years is a sufficient sentence to address all of the
25 factors recognized by the government and to take into account the

1 substantial history and characteristics of Mr. Sanchez.

2 THE COURT: Thanks, Ms. Stamm.

3 Mr. Sanchez, was there anything you would like to say to me
4 at this time? If you would please join Ms. Stamm at the podium.

5 THE DEFENDANT: Only to say that I'm very sorry that
6 you're put in this position to judge a government attorney.

7 I think for me the biggest hurt is the intangible part -- the
8 people that I hurt, the people I disappointed -- the career that
9 was my life is gone, and I'm very sorry about it.

10 What I can tell you is that, going back to your question to
11 Ms. Stamm before, during this period of being in the Pacific
12 Northwest, I was constantly fatigued and in pain, joint pain,
13 headaches. Psychologists and social workers diagnosed this as
14 conversion disorder. All of those ailments went away after one
15 day that I was in prison, and that's why I don't regret the
16 decision I made. The stress is gone.

17 THE COURT: And when you project four years down the
18 road, Mr. Sanchez, when you come out and you are no longer an
19 attorney, you are no longer going to be easily employable in any
20 position that requires trust, what do you intend to do to rebuild
21 yourself?

22 THE DEFENDANT: I probably will do something that is
23 within more of a passion, which is either teaching English abroad
24 or possibly go into automotive engineering.

25 THE COURT: A number of people said you were very good

1 with cars, yes.

2 And you haven't started your actual therapy yet, correct?

3 THE DEFENDANT: Correct.

4 THE COURT: And, unfortunately, you are unlikely to get
5 much in the way of that at the Bureau of Prisons.

6 You understand that, when you come out, some of those issues
7 that drove you are still there; they're not going to just go
8 away. Do you intend to pursue the therapy for those things?

9 THE DEFENDANT: Absolutely.

10 THE COURT: All right. Anything else you want to say to
11 me, Mr. Sanchez?

12 THE DEFENDANT: No.

13 THE COURT: Okay. I appreciate it.

14 Thank you, Ms. Stamm.

15 Mr. Cowan, it seems to me that the last few months you have
16 said a number of times, "I've never had a case quite like this."
17 Can we say that about this one too?

18 MR. COWAN: Absolutely, Your Honor.

19 THE COURT: Yeah.

20 Any observations that you want to make to me from your many
21 decades of doing this?

22 MR. COWAN: It's only been two decades, Your Honor.

23 No. My thoughts about this case are on two extremes. On one
24 extreme, as a government employee -- and as you were a government
25 attorney yourself in the past -- it is a terrible offense, the

1 idea of grabbing someone's A-File and gleaning information to
2 financially benefit yourself. On the other hand, I think
3 Mr. Sanchez is a very, very likeable person, and he is, in my
4 time in his interview, as you just witnessed, so articulate and
5 so remorseful and so accepting of responsibility. I also admire,
6 for whatever reason, the idea that "It's time for me to pay the
7 piper, and I'm just going to start doing my time now." He will
8 benefit because he will get out sooner, but it was admirable
9 nonetheless. I still wish him every success in the future and
10 hope he gets through this.

11 THE COURT: Yes.

12 And tomorrow morning I'm doing a sentencing on an individual
13 who fought extradition from Canada for ten years and, you know,
14 now doesn't want to face it. "I have completely changed my life,
15 and I have two more children, and all these things happened.
16 Don't punish me for what happened way back then."

17 So there is a certain advantage to dealing with it straight
18 up, straight on, so you can move past it.

19 Thanks, Mr. Cowan.

20 All right. There's no suspense here about what the sentence
21 is going to be, by virtue of the agreement of the two parties
22 here, which I find to be consistent with both the sentencing
23 guidelines and what's just and fair, considering the mitigating
24 and aggravating circumstances. So I will follow that and impose
25 a two-year sentence on Count 1 and a two-year sentence on

1 Count 2, to run consecutive, for a total of 48 months of
2 imprisonment.

3 Mr. Sanchez, upon your release, you will be on four years of
4 supervised release subject to standard conditions and the
5 following special conditions: You will participate as instructed
6 by probation in any program approved for treatment of any
7 substance abuse or drug dependency, which will include testing.
8 You will provide probation with access to any requested financial
9 information, including the authorization to conduct credit checks
10 and obtain copies of tax returns. You must disclose all your
11 assets and liabilities to probation and not make any transfers of
12 assets without prior disclosure to probation. You will maintain
13 one single checking account in your name for all deposits and
14 withdrawals and payments. Any account that you have an interest
15 in must be disclosed to probation. You should not do any
16 gambling or enter or frequent any legal or illegal gambling
17 establishments. You will participate in any mental health or
18 counseling program approved by U.S. Probation, and you should
19 contribute to the cost of any treatment programs, to the extent
20 you are financially able to do so.

21 There is restitution due in the amount of \$190,345.63, which
22 is due immediately. Any unpaid amount will be paid during the
23 period of supervision in monthly installments of not less than
24 10 percent of your gross monthly household income. I will waive
25 interest on the restitution.

1 You will submit to search of your person, property, house,
2 residence, storage unit, vehicle, papers, computers, and all
3 electronic devices at a reasonable time and manner by probation
4 or by law enforcement.

5 I will waive the fine because of the large amount of
6 restitution, but there is a \$100 special assessment on each of
7 the two counts for a total of \$200, which is due immediately.

8 And, Ms. Stamm, did you have a placement recommendation in
9 the case?

10 MS. STAMM: I did. It's FCI --

11 THE COURT: Sheridan, was it, or --

12 MS. STAMM: I can't remember.

13 Loretto, which is in Pennsylvania.

14 THE COURT: All right. I will make that recommendation.
15 Do you know how to spell that?

16 MS. STAMM: Yes. It's L-o-r-e-t-t-o.

17 THE COURT: The Loretto facility in Pennsylvania.

18 All right. And, Ms. Stamm, was there a waiver of appeal also
19 as part of the plea agreement here?

20 MS. STAMM: I don't believe so.

21 THE COURT: Okay. All right. Then I'm going to advise
22 you, Mr. Sanchez, that you have the right to appeal the sentence
23 here that I have imposed, even though it was an agreed sentence.
24 If you want to appeal, you must file notice within 14 days of
25 today. If you can't afford the costs of the appeal, the

1 government will pay them for you. If you want an attorney for
2 the appeal and cannot afford one, the Court will appoint an
3 attorney for you, and the clerk will assist you in preparing any
4 papers necessary for your appeal. Do you understand that?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: All right.

7 Now, there's no denying, Mr. Sanchez, the dark demons that
8 set you on the road to ruin. And that's really what it was. It
9 wasn't so much that you were trying to get money; you were on a
10 self-destruction path, using incredible amounts of sleeping
11 medication, taking terrible care of yourself, and committing an
12 offense that you were bound to be caught doing. So we recognize
13 that that was the primary motivation here, not mere avarice or
14 greed or anything like that. However, the flagrant abuse of
15 trust and the really shocking exploitation of some of the most
16 vulnerable victims necessitates a significant prison term, and
17 these four years is a significant prison term.

18 Upon your release from prison, you will have an opportunity
19 to make restitution, repentance, and to repair your life. You
20 have a lot to make up for, but you have the potential to do so.
21 It will require a lot of hard work.

22 Now, the place where you are going in the Bureau of Prisons,
23 you'll see a lot of very damaged individuals, and you have skills
24 and talents to be of assistance to them. That's part of
25 starting your repentance too, is doing for others who are as

1 damaged or more damaged than you are by their own childhood,
2 their own experiences. So don't just consider it four years of
3 sitting there. I know you won't. But you have a lot of work to
4 do. You have the potential to do it.

5 So thank you very much.

6 Counsel, yes.

7 MS. HARVEY: Your Honor, I apologize. I wanted to note
8 that, pursuant to the plea agreement, Mr. Sanchez did waive
9 rights to appeal or collaterally attack his conviction and
10 sentence.

11 THE COURT: For anything except ineffective assistance
12 of counsel, correct?

13 MS. HARVEY: Correct. Yes.

14 THE COURT: I don't think Mr. Sanchez is going to
15 appeal. He got exactly what he asked for. But I'm glad you
16 pointed that out to me, counsel.

17 MS. HARVEY: And if I might, Your Honor, there was a
18 Victim Impact Statement that we received late in the process. I
19 provided that to probation and to Ms. Stamm.

20 THE COURT: Yes. And I got a copy of it too --

21 MS. HARVEY: Okay.

22 THE COURT: -- from one of the individuals who is in
23 Korea, and it details how difficult it is dealing with the
24 identity theft and all the issues that come with it. And while
25 it's the only Victim Impact Statement you received, you can

1 guarantee that there are scores of people out there who are
2 affected by this who are just as innocent and just as worthy of
3 our respect for being victims.

4 So thank you for bringing that to my attention.

5 MS. HARVEY: May I raise one final issue?

6 THE COURT: Sure.

7 MS. HARVEY: I apologize.

8 In Mr. Sanchez's plea agreement, he acknowledges that in
9 addition to the \$190,000 restitution, there's also an amount owed
10 to the IRS for his false filings on tax returns. That amount has
11 not been determined at that point. I just wanted to -- or at
12 this point. Excuse me. I just wanted to note that for the
13 Court, and to note that the department will likely pursue that
14 once we have a finalized number from the IRS.

15 THE COURT: Okay. But that would be separate from --

16 MS. HARVEY: Sure.

17 THE COURT: -- restitution. It will be a tax liability
18 that they will proceed their own way on.

19 MS. HARVEY: Yes, sir.

20 THE COURT: Yes.

21 And you understand that, Ms. Stamm and Mr. Sanchez, correct?

22 MS. STAMM: Correct.

23 THE DEFENDANT: (Nods affirmatively.)

24 THE COURT: Okay. Great.

25 MS. HARVEY: Thank you, Your Honor.

THE COURT: Thanks very much. We will be adjourned.

2 | Thank you, counsel.

3 THE CLERK: Did you get the judgment?

4 THE COURT: The judgment. I'm sorry. Yeah, I have to
5 sign it first. Yeah.

6 | That's why I have Kerry here.

7 MR. COWAN: Good job, Kerry.

8 THE COURT: You can approach, Ms. Harvey.

9 MS. HARVEY: Thank you, Your Honor.

10 THE COURT: It seems to be in order, Ms. Stamm?

11 MS. STAMM: It does, Your Honor.

12 | THE COURT: I have signed the judgment in the case.

13 | Good luck to you, Mr. Sanchez. Thanks, counsel.

14 | We will be adjourned.

15 | (Adjourned.)

C E R T I F I C A T E

18 I, Nickoline M. Drury, RMR, CRR, Court Reporter for the
19 United States District Court in the Western District of
20 Washington at Seattle, do certify that the foregoing is a correct
21 transcript, to the best of my ability, from the record of
22 proceedings in the above-entitled matter.

24 | /s/ Nickoline Drury

25 | Nickoline Drury